

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ADAM DAHHANE,

Case No. 15-CV-1229 (PJS/JJK)

Plaintiff,

v.

ORDER

LINDA LORRAINE STANTON, a/k/a
Linda Lorraine Stanton-Dahhane, and
BONNIE LYNN STANTON,

Defendants.

This matter is before the Court on plaintiff Adam Dahhane's appeal of the December 9, 2015 order of Magistrate Judge Jeffrey J. Keyes denying Dahhane's motion to strike certain affidavits and other materials filed in connection with the parties' motions for summary judgment.

A magistrate judge's ruling on nondispositive pretrial matters may be reversed only if it is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). Judge Keyes's order denying Dahhane's motion to strike is neither. *See Carlson Mktg. Grp., Inc. v. Royal Indem. Co.*, No. 04-CV-3368, 2006 WL 2917173, at *2 (D. Minn. Oct. 11, 2006) (motions to strike affidavits are not authorized by the Federal Rules of Civil Procedure). Moreover, Dahhane will suffer no prejudice, as Judge Keyes said that he will review Dahhane's objections to the affidavits and other materials as part of his

consideration of the merits of the parties' summary-judgment motions. *See* ECF No. 70 at 2. The Court therefore overrules Dahhane's objection.

Finally, the Court notes that there is a pending Report and Recommendation ("R&R") recommending denial of Dahhane's motion for a temporary restraining order. *See* ECF No. 74. The time for objecting to the R&R has not yet run, but Dahhane has filed a "notice of no objection" to the R&R. *See* ECF No. 75. Accordingly, the Court will adopt the R&R and deny Dahhane's motion for a temporary restraining order.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,
IT IS HEREBY ORDERED THAT:

1. Plaintiff's objection [ECF No. 77] to Judge Keyes's December 9, 2015 order [ECF No. 70] is OVERRULED.
2. The Court ADOPTS the December 10, 2015 R&R [ECF No. 74].
3. Plaintiff's motion for a temporary restraining order [ECF No. 62] is DENIED.

Dated: December 16, 2015

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge